

UCT-A A08

Application No. 09/322,174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: B. LANDA, et al.
Serial Number: 09/322,174
Filed: May 28, 1999
For: TONER MATERIAL AND METHOD UTILIZING SAME
Art Unit: 1753
Examiner: GOODROW, J.

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Honorable Commissioner of Patents and Trademarks
Washington DC 20231

RESPONSE TO OFFICE ACTION

Sir:

Further to an office action dated September 21, 2001, the following is applicants' response:

REMARKS

The application contains claims 54-76. Claims 59-60, 64, 68, 72 and 76 are withdrawn from consideration. Claims 54-56 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over JP publication 62-127753. Claims 54-58, 61-63, 65-67, 69-71 and 73-75 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP publication 62-127753 in view of any one of a number of publications. As applicants understand the rejections, the basis for use of metallic flakes in polymer toner particles is the 753 JP publication.

Applicant have downloaded a copy of the abstract of this patent from the JPO site (copy enclosed). Unfortunately, due to the age of the publication, an automatic translation of this publication is not available. However, the abstract puts a completely different picture on the contents of this patent. Applicants submit that on its face there are no "metal" flakes at all in this toner. Rather, the "metallic toner" is produced by using fish scales together with a colorant to form (when on a surface) something that looks like a metal surface.

Applicants enclose a copy of a letter sent to applicants' Japanese patent attorneys containing some queries which should clarify the meaning of the publication.

Applicants respectfully request the Examiner not to issue a final office action until applicants have had a reasonable opportunity to receive the relevant information and report it to the Examiner.

Notwithstanding the actual contents of the letter, applicants submit that the present application does explain the importance of flake size. As indicated at page 15, lines 11-18 the use of large flakes gives the desired "good specular reflecti n." In principle, the larger the flakes, the